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EXAMINER

PANWALKAR, VINEETA S

ART UNIT

PAPER NUMBER

2611

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |                                       |  |
|------------------------------|---|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/736,755    | <b>Applicant(s)</b><br>ANTOINE ET AL. |  |
|                              | <b>Examiner</b><br>VINEETA S. PANWALKAR | <b>Art Unit</b><br>2611               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/20/08 have been fully considered but they are not persuasive.

1a. Applicant argues that previously cited Bhat et al. (US 5355365) fails to disclose claimed limitation "said processor-system performs an initialization step for initiating software to be run via said processor system" because Bhat enables a computer to initiate modem and hence it is not the processor of a modem that performs the initialization step for initializing software to be run via the processor system of the modem. Applicant also argues that Anne et al. (US 2003/0081741 A1, previously cited) discusses initialization of a computer and not modem.

However, it is pointed out that Bhat discloses that the modem node includes software which in turn enables the PC to initiate the modem. Thus, Bhat discloses a modem with software for initializing the modem (Column 4, lines 6-11) and it would have been obvious to a person of ordinary skill in the art to initialize the software run by modem in order to initialize the modem to communicate with other modems and nodes in the network (Column 4, lines 6-11). Anne was only relied upon for disclosing that initiating any software involves claimed step for reading address in a memory.

Thus, contrary to applicant's arguments all limitations were indeed disclosed by the previous rejection and it is repeated hereinafter.

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- 1b. However, previously indicated allowability of claim 4 is withdrawn hereinafter, therefore this office action is not made final.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 2, 6 - 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over previously cited Peeters (US 6947372 B2, previously cited), hereinafter, Peeters, in view of Anne et al. (US 2003/0081741 A1, previously

cited), hereinafter, Anne, previously cited Bhat et al. (US 5355365), hereinafter, Bhat and previously cited Veres et al. (US 4654783), hereinafter Veres.

2a. Regarding claims 1, 8, 9 and 10, Peeters shows an integrated modem circuit comprising:

- a processor-system and hardware for exchanging signals with another modem circuit (See column 4, lines 18-38. A multi-carrier communication system wherein data are transferred bi-directionally (claimed exchanging of signals) in a time division duplexed way between two transceivers (claimed hardware wherein the modems are claimed integrated and another modem circuits) is shown);
- wherein integrated modem circuit comprises a digital phase locked loop filter (Figs. 3 the phase locked loop PLL1 is interpreted as claimed digital phase locked loop because it comprises between its input terminals and its output terminals a filter (FILTER1));
- characterized in that said integrated modem circuit exchanges signals with another modem circuit at 1 Mb/s or more (FIG. 1 shows a VDSL (Very High Speed Digital Subscriber Line) system, which is capable of speeds greater than or equal to 1Mbps; see footnote <sup>1</sup>), with said processor-system

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- <sup>1</sup> References showing that VDSL systems are capable of speed in excess of 1Mbps:  
- Halder et al. (US 2003/0112966 A1)  
- Zakrzewski et al. (US 2003/0016797 A1)

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comprising filter software for embodying said digital phase locked loop filter and with said hardware comprising at least one module for compensating for sample processing (Fig. 3, ROT1 is interpreted as claimed module for compensating for sampling process. The first phase rotor ROT1 in combination with the skip/duplicate unit S/D compensates for the sample rate differences between the transmitter in the line termination VDSL\_LT and the receiver in the network termination VDSL\_NT.)

(See column 4, lines 20 – 56 and column 5, line 65 – column 6, line 60)

Peeters further states that although no architecture is disclosed, from the functional description of the blocks of the invention, embodiments of these blocks can be manufactured with well-known electronic components. (Column 8, lines 3-12).

Thus, Peeters shows all the limitations claimed (including corresponding method claimed in claim 10), but fails to explicitly mention whether software may be used in implementing the digital PLL and corresponding filter.

However, in the same field of endeavor, Anne shows a modem comprising a digital signal processor (Paragraph [0016]; DSP, interpreted as claimed processor system), wherein the DSP implements a digital phase locked loop (claimed software implementation). Regarding claim 9, software implementation using the DSP system is interpreted as claimed program product.

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Anne further discloses the step of initiating (claimed initializing step) software using boot sequence wherein instructions stored in BIOS ROM (144) are read (claimed reading step at and an address in memory) (Paragraph [0036]).

Thus, it would have been obvious to a person of ordinary skill in the art to use software implementation for the DPLL as suggested by Anne in the transceiver system shown by Peeters, because software implementation as suggested by Anne permits robust noise performance and improved noise immunity (Paragraph [0016]).

Also in a similar field of endeavor, Bhat discloses a modem with software for initializing the modem (Column 4, lines 6-11).

Thus, it would have been obvious to a person of ordinary skill in the art to initialize the software run by modem in order to initialize the modem to communicate with other modems and nodes in the network (Column 4, lines 6-11).

Further, Veres discloses how a boot program (claimed software initialization) has three instructions IORST, NIOS and JMP that are loaded (claimed reading and detecting) and then executed (claimed execution step) (Column 3, line 65 – column 4, line 20).

It would also have been obvious to a person of ordinary skill in the art that any processor with software which is initialized performs the claimed steps of reading, detecting and performing execution as shown by Veres, because software initialization is essential for successful operation of the software.

- 2b. Regarding claim 2, Peeters, Anne, Bhat and Veres show all the limitations claimed (see 2a above).

Peeters further shows the integrated modem circuit, characterized in that said processor-system comprises sample software for processing samples in dependence of results originating from said phase locked loop filter (Fig. 3, and column 5, line 65 – column 6, line 21. DVCO1 in digital PLL 1 is interpreted as the unit performing claimed processing because it processes the output of the filter).

- 2c. Regarding claim 6 and 7, Peeters, Anne, Bhat and Veres show all the limitations claimed.

Further, Veres inherently shows that when the first instruction (IORST) is detected (claimed positive detection), system adapts (claimed first adaptation) to getting ready for executing it and hence detects input reset and output reset steps (claimed fourth and fifth detecting steps). The system then moves on to detecting the next instruction NIOS at the next location (376) (interpreted as claimed incrementation step). Similarly, it would be inherent for the processor to perform claimed sixth detection step for getting ready to execute a positively detected second instruction (NIOS) after adapting system to second instruction (claimed second adaptation) and to increment the address to 377 to detect third



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instruction JMP (claimed second incrementation). (Column 3, line 65 – column 4, line 20).

It would also have been obvious to a person of ordinary skill in the art that any processor with software which is initialized performs the claimed steps of reading, detecting and performing execution as shown by Veres, because software initialization is essential for successful operation of the software.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peeters in view of Anne, Bhat and Veres as applied to claim 2 above, and further in view of previously cited Spruyt et al. (US 6088386), hereinafter, Spruyt.

- 3a. Regarding claim 3, Peeters, Anne, Bhat and Veres show all the limitations claimed (see 2b above).

Peeters a multi-carrier communication system wherein data are transferred bi-directionally in a time division duplexed way between two transceivers (see column 4, lines 18-38). Thus, a transceiver modems shown in Figs 2 and 3 both include a transmit path and a receive path. Fig. 2 shows the transmission path used in the modems, while Fig. 3 shows the receiving path used.

Thus, Peeters further shows the integrated modem circuit, characterized in that said hardware comprises in a transmission path (Fig. 2), a rotor (Fig. 2, block ROT) and an inverse Fourier transformator (Fig. 2, block IFFT) and in a receiving path (Fig. 3) a Fourier transformator (Fig. 3, blocks S/D and FFT together are

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interpreted as claimed Fourier transformator), a rotor (Fig. 3 ROT 1), with at least one of said rotors forming said module (See 2a above).

Peters further discloses that the carriers in the multi-carrier system are modulated with data using discrete multi tone modulation (DMT)(Column 3, lines 50-55 and column 4, lines 19-28).

Thus, Peeters and Andre disclose all the limitations claimed, but fail to explicitly disclose claimed mapper and demapper.

However, in the same field of endeavor, Spruyt shows a modulator/demodulator (MODEM) using DMT equipped with a rotation circuit (TROT) in its transmitting part (TP) and a rotation circuit (RROT) in its receiving part (RP) comprising a mapper (MAP) in it's transmission path TP and a demapper (DMAP) in it's receiving path (RP) (See Fig.1 and column 5, lines 45-67).

Thus, it would have been obvious to a person of ordinary skill in the art to use the mapper and demapper shown by Spruyt in the transceiver system disclosed by Peeters and Anne, because Spruyt's invention reduces complexity of echo cancellation (Column 2, lines 10-16).

3b. Regarding claim 4, Peeters, Anne, Bhat, Veres and Spruyt disclose all the limitations claimed.

Peeters further shows the integrated modem circuit, characterized in that said processor-system comprises sample software for controlling at least one of said first or second rotors (22,32) in dependence of results originating from said

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phase locked loop filter, with at least one of said transformers (23,33) being controlled by results originating from said sample software (Fig. 3, and column 5, line 65 – column 6, line 56. DVCO1 in digital PLL 1 is interpreted comprising sample software for controlling rotor ROT1 (claimed first rotor) and claimed at least one of said transformers (blocks S/D and FFT together are claimed first transformer) because it controls the rotor and transformer after processing the output of the filter i.e. in dependence of results originating from said phase locked loop filter).

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vineeta S. Panwalkar whose telephone number is 571-272-8561. The examiner can normally be reached on M-F 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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/V. S. P./

Examiner, Art Unit 2611

/Mohammad H Ghayour/

Supervisory Patent Examiner, Art Unit 2611